REMARKS

Claims 1-30 are pending in the present application. Claims 1 and 16 are independent.

35 USC 102(e) Umezu Rejection

Claims 1-13 and 16-28 are rejected under 35 USC 102(e) as being anticipated by Umezu (USP 6,418,391). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

From the response to arguments section in the last Office Action dated March 21, 2005, it is apparent that the term "enforcement criteria" has been improperly read out of the claims and has not been given proper weight and meaning. For example, the Office Action states that "the claimed limitation of enforcement criterion has not been given particular meaning in the claims since all testing and monitoring systems operate under a specific criterion."

The Office Action is apparently reading the term "enforcement criterion" in a vacuum which is highly improper. For example, the term "enforcement criterion" is used in a particular way as recited in the claims and such use is being ignored in the Office Action. In claim 1 for example, the enforcement criteria is used to permit distribution of the test file and is not some generalized or unutilized "criterion" as alleged by the Office Action.

In order to clarify the meaning of the term "enforcement criteria" and to emphasize the patentable distinctions of the invention, Applicants have amended the claims as follows. Specifically, this term has been changed to a "file transfer enforcement criteria" so as to emphasize that the enforcement criteria are utilized in a particular way, namely to enforce the test file distribution such that it is permitted to be distributed or blocked from being distributed to test stations according to the file transfer enforcement criteria. Umezu certainly does not perform

any such permitting/blocking distribution of a test file to the test stations according to a file transfer enforcement criteria. At best, Umezu merely discloses a standard bus. Indeed, the section cited in the Office Action as allegedly disclosing this permissive distribution of the test file is column 18, lines 38-45. Even a cursory reading of that section will reveal that merely a standard bus interface and connection bus 210 are disclosed in that section. Such a standard bus architecture simply does not have the logic or control necessary to permit/block the distribution of a test file to test stations according to a file transfer enforcement criteria.

Furthermore, the Office Action unfairly equates the term "enforcement criterion" with the term "test task" utilized by Umezu. The definition provided by Umezu, however, of the term "test task" is inconsistent with the Examiner's interpretation of this term. Umezu defines "test task" in column 8,lines 29-35 as follows:

> The "test task" is an object for associating a plurality of "test goals" and one "test element name." The "test task" is one of program elements, and has 'execute' process. The 'execute' process of the "test task" starts the test by sending a "test goal" which it has to a derived object of "virtual instrument" corresponding to the "test element name" which it associates.

Given this definition, it is not seen how the Examiner can properly interpret "test task" to be anything similar or equivalent to the term now utilized in the claims, namely "file transfer enforcement criteria."

Furthermore, the term "file transfer enforcement criteria" cannot be read in isolation as is being done in the last Office Action. This file transfer enforcement criteria is utilized in claim 1 to permit/block distribution of the test file to the test stations which is a feature completely absent from Umezu.

Umezu is fairly characterized as follows. Umezu is actually a sophisticated GUI (Graphical User Interface) that permits a user to control testing equipment for testing a device, gathering test data, and storing test data so gathered. Umezu utilizes an icon-based GUI graphically illustrated in Figures 5 and 8. Icons corresponding to the device under test, test element, test goal, test tradeoff, etc. are utilized to configure the testing system to produce the desired test results. A user may intuitively connect to these iconic representations and thereby efficiently configure the test.

Umezu's graphical user interface simply does not disclose or suggest the method of manufacturing test files as recited in claim 1 or the system for managing manufacturing test files as recited in system claim 16. More specifically, Umezu fails to disclose or suggest permitting/blocking distribution of the test to the test stations according to the file transfer enforcement criteria. Umezu's test task performs no such function and the "test task" is not utilized by Umezu to permit/block distribution of test files as the Office Action seems to suggest. The only portion cited in Umezu as allegedly disclosing this feature merely describes standard bus architectures that transmit files but simply fail to disclose or suggest permitting/blocking of test files according to a file transfer enforcement criteria as recited in claim 1.

Furthermore, Umezu fails to disclose or suggest a test station that conditionally receives the test file according to a file transfer enforcement criteria. The test station in the claims does not simply receive a file but conditionally receives a test file according to a file transfer enforcement criteria. What is being "enforced" here by the file transfer enforcement criteria is whether the test station should or should not receive the test file. No such conditional receiving, logic, or control is disclosed or suggested by Umezu.

Furthermore, Umezu fails to solve the problems addressed by the invention. One of the major problems addressed by the invention is that in a dynamic manufacturing test environment having a plurality of test stations testing various different products, there is a problem that the test stations do not have the correct test files. For example, some test stations may need to utilize different test files than other test stations. An example is that some test stations may be utilizing the Windows™ Operating System while others use different operating systems. Thus, the test file must be tailored to the particular test station, otherwise the test will probably not be successful. To ensure that the test file is distributed to the correct test station, the invention utilizes file transfer enforcement criteria.

Other examples of enforcement criteria used by the invention include a product identifier that identifies the products that the test file should be used with. A mismatch between the test file and the device under test will cause problems and the inventive file transfer enforcement criteria ensures that these problems are avoided. Another example of the file transfer enforcement criteria is the support file criterion, which is utilized to associate test files with other test files. For example, certain data files need to be associated with an executable test file. These support files (e.g., data files) need to be present in the test station for a test to be successful. This is an additional aspect of the file transfer enforcement criteria. Others are explained in the specification. For example, see page 8 of the specification.

Umezu has no such concept of file transfer enforcement criteria and certainly does not disclose or suggest permitting/blocking distribution of the test file to the test stations according to the file transfer enforcement criteria as recited in amended claim 1.

Furthermore, Umezu also fails to disclose or suggest the system of claim 16, particularly the test stations conditionally receiving the test file according to a file transfer enforcement criteria. Such conditional reception by a test station according to file transfer enforcement criteria is a concept completely absent from Umezu.

For all the above reasons taken alone or in combination, Applicants respectfully request reconsideration and withdrawal of the 35 USC 102(e) Umezu rejection.

35 U.S.C. § 103 - Umezu - Eason Rejection:

Claims 14 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Umezu in view of Eason. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

The above arguments establish a clear patentable difference between the independent claims (1 and 16) and Umezu. Eason is merely being applied to teach features of dependent claims 14 and 29. Furthermore, Eason does not remedy any of the noted deficiencies of Umezu. Therefore, the combination of Umezu and Eason fails to disclosure or suggest the features of independent claims 1 or 16.

Although Applicant does not agree with the combination of Umezu and Eason, it is believed that the arguments against the § 102(e) Umezu rejection are sufficient to establish patentability

For all of the above reasons, taken alone or in combination, Applicant respectfully request reconsideration and withdrawal of the § 103(a) Umezu - Eason rejection.

35 U.S.C. § 103(a) Umezu Rejection:

Claims 15 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Umezu. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

The arguments above are sufficient to establish patentability as to the independent claims. This § 103 rejection is utilized to address certain features of dependent claims 15 and 30. Because the arguments above are fully sufficient to establish patentability as to the independent claims, further arguments are not necessary with respect to these dependent claims 15 and 30. This is particularly true because claim 15 and 30 are not relied upon for patentability at this time. Indeed, the obviousness argument is only made with respect to the optical communications network component feature of dependent claims 15 and 30 and is not made to otherwise extend Umezu to teach the inventive features argued extensively above.

For the above reasons, taken alone or in combination, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103 Umezu rejection.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata (Reg. No. 39,491) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies

to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional

fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: June 21, 2005   Respectfully submitted,

                                               By
                                               Michael R. Cammarata
                                               Registration No.: 39,491
                                               BIRCH, STEWART, KOLASCH & BIRCH, LLP
                                               8110 Gatehouse Rd
                                               Suite 100 East
                                               P.O. Box 747
                                               Falls Church, Virginia 22040-0747
                                               (703) 205-8000
                                               Attorney for Applicant